

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAYNE SWEET,
Plaintiff,

V.

SERGEANT MILES, et al.
Defendants.

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CIVIL ACTION NO. 21-CV-2885

ORDER

AND NOW, this 11th day of August, 2021, upon consideration of Shayne Sweet's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 2), and *pro se* Complaint (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Shayne Sweet, #1131389, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Philadelphia Industrial Correctional Center or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Sweet's inmate account; or (b) the average monthly balance in Sweet's inmate account for the six-month period immediately preceding the filing of this case. The Warden of Philadelphia Industrial Correctional Center or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Sweet's inmate trust fund account exceeds \$10.00, the Warden of Philadelphia Industrial Correctional Center or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Sweet's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Philadelphia Industrial Correctional Center.

4. The Complaint is **DEEMED** filed.

5. Sweet's Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum as follows:

a. All federal constitutional claims are **DISMISSED WITH PREJUDICE**.

b. All state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction and with leave to reassert in an appropriate state court.

6. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Harvey Bartle III
HARVEY BARTLE III, J.